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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/405,921	09/24/1999	MARK L. YOSELOFF	307.026US1	1046

21186 7590 02/17/2004

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EXAMINER

ASHBURN, STEVEN L

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/405,921

Applicant(s)

YOSELOFF ET AL.⁹⁾

Examiner

Steven Ashburn

Art Unit

3714

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 January 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 05 January 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.


Claim(s) objected to: _____.

Claim(s) rejected: 1-17 and 19-37.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 31.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: The applicant argues that RTD does not qualify as prior art. This argument is not persuasive because it was not made in a timely fashion. Any traversal of the reference's priority should have been raised prior to final rejection. Moreover, it has been established that the information described in the reference was published on or before April 22, 1999. See papers no. 27 and 31. Furthermore, the applicant argues that Mardsen is not analogous art. The examiner disagrees. Mardsen supports the examiner's assertion of what level of knowledge possessed by an artisan. Its relevance is discussed in the Office Action dated Sept. 29, 2003 (paper no. 28) on pp. 4, 5, 11 and 12. Still furthermore, the applicant argues that the rejection fails because gaming devices are an independent field of commerce and industry and therefore preclude references from analogous fields which have already solved the problems sought to be overcome by the present invention. The examiner disagrees. The gaming devices are merely a type of device which employ electronic computers to control a device's operations. The examiner maintains that a gaming artisan would possess knowledge of commercially available control systems and would consider their application in analogous fields of industry. See the Office Action dated Sept. 29, 2003 (paper no. 28) on pp. 3-5, 13 and 14. Still furthermore, the applicant raises the new argument that Hendrick does not disclose all the features stated in the examiner's rejection. The examiner disagrees. Figures 5-7 illustrate a variety of peripheral devices having a variety of formats in communication with a ISA Bus (647). At least some of the signals are converted from their original format to the ISA Bus format through the illustrated interfaces. See, e.g., fig. 6(637,641,645,649,651). In addition, it is well known that the illustrated controller comprised of a standard components including a 80486-type processor, ISA Bus, DUART, Super I/O interface are used in a tremendous number of industrial and commercial systems. Hence, the controller is within the scope of a universal controller as disclosed in the applicant's specification. Moreover, one cannot show non-obviousness by attacking the references individually. The combination of Hendrick, RTD and Mardsen collectively suggest a universal controller. See the Office Action dated Sept. 29, 2003 (paper no. 28) on pp. 12-13. Consequently, for all the reasons above, the applicant's request for reconsideration is unpersuasive.



JESSICA HARRISON
PRIMARY EXAMINER